

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00069-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY MAXWELL LEE,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Extend/Continue Motions Deadline and Motion to Continue the Trial Term [Doc. 17].

On August 4, 2015, the Defendant was charged in a four-count Bill of Indictment with manufacturing marijuana, in violation of 21 U.S.C. § 841(a)(1); possession with the intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1); possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(a)(A); and possession of a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Doc. 12]. The Defendant's arraignment was held on September

2, 2015, at which time his case was placed on the October 26, 2015 term for trial.

The Defendant now moves for a continuance of the trial date and an extension of the motions deadline. For grounds, counsel states that he is scheduled to have surgery, which will result in his absence for most of October. In addition, counsel states that additional time is need to review recently received discovery and to conduct additional plea negotiations. Counsel further represents that the Government does not oppose the requested continuance and extension. [Doc. 17].

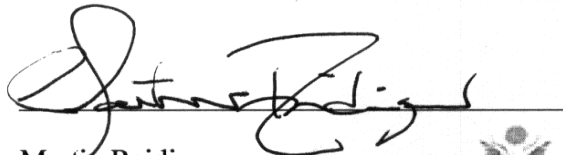
The Court finds that this case should be continued and that the motions deadline should be extended. Specifically, the Court finds that if this case were not continued, counsel would be denied the reasonable time necessary for effective trial preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Continue the Trial Term [Doc. 17] is **GRANTED**, and this matter is hereby **CONTINUED** from the October 26, 2015 term in the Asheville Division.

IT IS FURTHER ORDERED that the Defendant's Motion to Extend/Continue Motions Deadline [Doc. 17] is **GRANTED**, and the deadline for filing pretrial motions in this matter is **EXTENDED** to **November 25, 2015**.

IT IS SO ORDERED.

Signed: October 2, 2015


Martin Reidinger
United States District Judge

